

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Pergolizzi et al.

Serial No.: 08/479,995

Filed: June 7, 1995

For: ANALYTE DETECTION UTILIZING
POLYNUCLEOTIDE SEQUENCES,
COMPOSITION, PROCESS AND KIT
(As Previously Amended)

Group Art Unit: 1631

Ex'r: Ardin H. Marschel, Ph.D.

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July 23, 2003

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TEC CENTER 1600/2900

Commissioner for Patents
Alexandria, VA 22313-1450

SUPPLEMENTAL AMENDMENT
(FOLLOWING APPLICANTS' AMENDMENT OF MARCH 28, 2003)

Dear Sirs:

There is no extension request or fee necessary for this Supplemental Amendment because there are no outstanding actions to which Applicants must respond. On March 14, 2000, the Examiner suspended prosecution of the above-captioned application due to a potential interference. Applicants hereby request that the Examiner lift the suspension to the extent necessary to enter the following two claims.

In The Claims:

Please add claims 546 and 547 as follows:

Enz-11(C2)(D1)(C2)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Pergolizzi, et al.	Group Art Unit:	1631
Application No.:	08/479,995	Examiner:	Ardin H. Marschel
Filed:	June 7, 1995	Att'y Dkt. No.:	ENZ-11(C2)(D1)(C2)
Title:	ANALYTE DETECTION UTILIZING POLYNUCLEOTIDE SEQUENCES, COMPOSITION, PROCESS AND KIT		

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THIRD REQUEST FOR AN INTERFERENCE PURSUANT TO 37 C.F.R. § 1.607

Commissioner for Patents
Alexandria, VA 22313-1450

Dear Sir:

On December 20, 2002, the above-named Applicants (hereafter "Pergolizzi") filed a first Request For An Interference. On March 28, 2003, Pergolizzi filed a Second Request For An Interference. The Second Request involved the same patents as the first Request but proposed different counts and discussed different Pergolizzi claims. Pergolizzi now submits this Third Request For An Interference. Overall, this Third Request is nearly identical to the Second Request. The main changes include the following: (i) new Pergolizzi Claims 546 and 547, added by the Supplemental Amendment filed concurrently herewith, are designated as corresponding to Count 3; (ii) Count 3 now includes the term "non-radioactive;" (iii) discussion relating to the points made by the Examiner at the Interview of July 1, 2003, is included herein in the appropriate locations; and (iv) the first paragraph in the section concerning §1.607a(6) has been revised.

Over five years ago, Pergolizzi informed the Examiner that certain patents appear to interfere with the Pergolizzi Application.¹ At the time, Pergolizzi did not file a formal request for an interference, but three years ago the Examiner suspended prosecution of the Pergolizzi Application

¹ On pages 29-31 and 80-84 of Pergolizzi's Amendment of July 25, 1997, Pergolizzi reproduced and discussed claims from U.S. Patent Nos. 4,716,106, 4,868,105, and 4,882,269. A potential interference with these patents was also discussed at the Interview of October 29, 1998. See Interview Summary of October 29, 1998.